

REMARKS

Claims 1-4, 11-13 and 21-27 are pending in the application. Claims 5-10 and 14-20 have been canceled, and claims 1-4, 11-13 and 21-27 have been amended. Reconsideration of the rejection and allowance of the pending application in view of the following remarks are respectfully requested.

In the Final Office Action, the Examiner rejected claims 12, 13, 21 and 26 under 35 U.S.C. §112, 1<sup>st</sup> paragraph as failing to comply with the written description requirement. Specifically, the Examiner asserted that the replacement of “server-client system” with “client-server system” in claims 12 and 13 constituted adding new matter. Applicants respectfully disagree. However, in order to expedite prosecution, Applicants have amended claims 12 and 13 to revert back to the original “server-client system” terminology.

The Examiner also asserted that the term “representer” of claims 12 and 13 is not supported in the specification. Applicants respectfully disagree.

Applicants’ specification discloses a representation unit 1004. See, for example, page 13, line 21 of the specification. Applicants respectfully remind the Examiner that Applicants are their own lexicographers, and can define their invention essentially in whatever terms they choose. According to section 2173.01 of the M.P.E.P., Applicants “may use functional language, alternative expressions, negative limitations, or any style of expression or format of claim which makes clear the boundaries of the subject matter for which protection is sought.” Accordingly, Applicants submit that the phraseology employed in the claims are acceptable, and comply with the requirements of 35 U.S.C. § 112, 1<sup>st</sup>

paragraph.

The Examiner also asserted that the claimed feature “wherein the alternative data comprises one of a representative image of media and audio information”, as recited in claims 21 and 26, is not supported in the specification. Applicants again respectfully disagree. Applicants respectfully submit that support for this claimed feature may be found, for example, at least on page 31, lines 2-14 and page 42, line 21 – page 43, line 11 of the specification.

For at least the reasons set forth above, Applicants respectfully submit that the 35 U.S.C. §112, 1<sup>st</sup> paragraph rejection of claims 12, 13, 21 and 26 is improper, and respectfully request withdrawal of this ground of rejection.

In the Office Action, the Examiner also rejected claims 12, 13, 21 and 26 under 35 U.S.C. §112, 2<sup>nd</sup> paragraph as failing to set forth the subject matter which Applicants regard as their invention. Applicants respectfully submit that the 35 U.S.C. §112, 2<sup>nd</sup> paragraph rejection is improper for at least the reasons set forth above with respect to the 35 U.S.C. §112, 1<sup>st</sup> paragraph rejection, and respectfully request that the Examiner withdraw the rejection.

In the Office Action, the Examiner rejected claims 1-4, 11-13 and 21-27 under 35 U.S.C. §103(a) as being unpatentable over Davis et al. (U.S. Patent No. 5,969,716) in view of Jain et al. (U.S. Patent No. 6,360,234). Applicants respectfully traverse the rejection for at least the following reasons.

In the specification of the present application, Applicants disclose an embodiment that converts structure description data (content description data) into representation description data which describes an output format. The

representation description data may utilize the SMIL standard, for example, and specifies an order of representation and display timing.

In contrast with the present invention, Applicants submit that Davis is directed to editing media based upon media analysis, using time information obtained by representing a waveform and representative data of media data on a time axis (content representation) and analysis results.

Applicants respectfully submit that Davis is directed to a technical field that is entirely different than that of Applicants' invention. As Davis relates to a different technical field, Applicants submit that Davis does not disclose a configuration equivalent to Applicants' claimed invention.

Referring to Davis' Figure 9 as an example, Applicants submit that Davis' content representation differs from Applicants' structure description data, in that Davis represents representative video images arranged in a time line, and a variation of an audio waveform in the time line, and that a "strength and time interval of when sound exceeding a certain threshold value occurs" is extracted using a functional dependency of the audio waveform.

Further, Applicants submit that Davis fails to disclose a configuration that is equivalent to Applicants' structure description data. Applicants respectfully submit that, for example, col. 2, lines 31-67 of Davis, cited by the Examiner, fails to disclose a configuration that is equivalent to Applicants' claimed structure description data.

In contrast with Davis, the structure description data of the present invention is disclosed as being hierarchically segmentized in advance in units

such as scenes and cuts. That is, the present invention is not designed to integrate data managed in segments, as is taught by Davis.

Further, Applicants disclose adding common time information to individual segments, and extracting this common time information. This differs from the portion of Davis cited by the Examiner, col. 11, line 38 – col. 12, line 5, which only shows an example of media editing based on media analysis and analysis results, and does not disclose extracting time information added to individual segments.

Applicant's data processing apparatus uses different software for managing metadata and for viewing metadata. To replay metadata, software is used that is different from the software used for managing the metadata. Applicants' data processing apparatus determines an order of representation and converts data to metadata for representation. Further, Applicants employ a method referred to as nondestructive editing, and generate many variations by editing only management information (metadata) without editing original media.

On the other hand, Applicants submit that Jain is directed towards authoring software that replays a specific event of metadata managed by the same authoring software. Applicants submit that Jain does not disclose (or suggest) Applicants' editing structure in a nondestructive manner.

Furthermore, Applicants submit that the "Vidsync" process 260 that is disclosed in Jain is designed to encode synchronization from an analog video source to a digital asset through a network, and does not disclose "acquiring

synchronization regarding representation”, as taught by Applicants’ claimed invention.

Thus, Applicants respectfully submit that if one attempted to combine the teachings of Davis and Jain in the manner suggested by the Examiner, such combination would fail to result in a data processing apparatus which includes an analyzer that receives as input structure description data, and a converter, where the structure description data describes a plurality of segments expressed in time information, the analyzer extracting the time information from the structure description data, and the converter automatically organizing types of media per extracted time information, as recited in independent claim 1.

Applicants respectfully submit that the combination of Davis and Jain also fails to disclose or suggest a data processing apparatus which includes a selector that receives as inputs structure description data, and a converter, where the structure description data describes a plurality of segments expressed in time information, and the converter automatically organizes types of media of selected media content per extracted time information, as recited in independent claim 11.

For at least these reasons, Applicants respectfully submit that the rejection of independent claims 1 and 11 is improper, and respectfully request withdrawal thereof.

Dependent claims 2-4, 12, 13 and 21-27 are also submitted to be in condition for allowance for at least the same reasons set forth above with respect to independent claims 1 and 11.

Based on the above, it is respectfully submitted that this application is now in condition for allowance, and a Notice of Allowance is respectfully requested.

#### SUMMARY AND CONCLUSION

Applicants recognize that the current status of the application is after-Final. However, Applicants submit that entry of the present response is appropriate in the current circumstances, as Applicants submit that the present response does not raise new issues requiring further search and/or consideration, and places the application in condition for Allowance.

Entry and consideration of the present amendment, reconsideration of the outstanding Office Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate. Applicants have made a sincere effort to place the present invention in condition for allowance and believe that they have now done so.


Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should an extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

Should the Examiner have any questions or comments regarding this

response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
Toshihiko MUNETSUGU et al.

  
\_\_\_\_\_  
Bruce H. Bernstein  
Reg. No. 29,027

William Pieprz  
Reg. No. 33,630

November 25, 2005  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191